

2017 No. 324

SEA FISHERIES

**The Sea Fishing (Miscellaneous Revocations) (Scotland) Order
2017**

Made - - - - *4th October 2017*

Laid before the Scottish Parliament *6th October 2017*

Coming into force - - *1st December 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 4(1)(a) and (2)(a), 6(1), (2) and (3), 15(3), 20(1) and 22(2) and 22A of the Sea Fish (Conservation) Act 1967(a), sections 7(4) and 18(3) of the Sea Fisheries Act 1968(b), section 30(2) of the Fisheries Act 1981(c) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Sea Fishing (Miscellaneous Revocations) (Scotland) Order 2017 and comes into force on 1st December 2017.

(2) This Order extends to Scotland only.

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- (a) 1967 c.84 (“the 1967 Act”). Section 4 was amended by the Aquaculture and Fisheries (Scotland) Act 2007 (asp 12), schedule 1, paragraph 3(a); and by the Marine and Coastal Access Act 2009 (c.23), sections 4(6) and 197. Section 197 extends to Scotland by virtue of the Marine (Scotland) Act 2010 (asp 5), section 158. Section 6 was amended by the Fisheries Act 1981 (c.29), section 23(2) and (3); by S.I. 1970/1537, schedule 2, paragraph 10; by S.I. 1974/692, articles 2(1) and 5(3) and schedule 1, Part III; and by S.I. 1999/1820, schedule 2, Part I, paragraph 43 and Part IV, paragraph 1. Section 15(3) was substituted by the Sea Fisheries Act 1968 (c.77), section 22(5) and schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86), schedule 2, paragraph 16; and by S.I. 1999/1820, schedule 2, Part I, paragraph 43(2)(b). Sections 4, 6, 15(3), 20 and 22(2) of the 1967 Act are modified in relation to Scotland by section 22A(2), (3), (4), (7), (10), (11) and (12) of the 1967 Act. Section 22A was inserted by S.I. 1999/1820, schedule 2, paragraph 43(13) and amended by S.I. 2000/2040, schedule 1, Part I, paragraph 3 and Part III, paragraph 1. Relevant modifications are contained in S.I. 1999/1748, article 5 and S.I. 1999/1756, articles 3, 5 and 6. Section 22(2) of the 1967 Act, which contains a definition of “the Ministers” for the purposes of the 1967 Act, was relevantly amended by the Fisheries Act 1981 (c.29), sections 19(2)(d) and (3) and 45. The definition is modified in relation to Scotland by section 22A(12)(b) of the 1967 Act.
- (b) 1968 c.77. Section 7 was amended by the Fisheries Act 1981 (c.29), section 46 and schedule 5, Part II; by the Marine and Coastal Access Act 2009 (c.23), section 239; and by S.I. 1999/1820, schedule 2, Part I, paragraph 48(3).
- (c) 1981 c.29 (“the 1981 Act”); relevant modifications are contained in S.I. 1999/1748, article 5; and S.I. 1999/1756, articles 3, 5 and 6. Definitions of “enforceable Community restriction”, “enforceable EU obligation” and “the Ministers” are contained in section 30(3) of the 1981 Act. Section 30 of the 1981 Act has effect in relation to Scotland as modified by section 30(5) of the 1981 Act (which was inserted by S.I. 1999/1820, schedule 2, paragraph 68(5)(b)).

Revocations

2. The Orders listed in the schedule are revoked, to the extent mentioned in the third column of that schedule.

St Andrew's House,
Edinburgh
4th October 2017

FERGUS EWING
A member of the Scottish Government

SCHEDULE
REVOCATIONS

Article 2

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Anglo-Norwegian Sea Fisheries Order 1961	S.I. 1961/342	The whole Order
The Foreign Sea-Fishery Officers Order 1973	S.I. 1973/1998	The whole Order
The Sea Fishing (Enforcement of Community Licensing Measures) (North of Scotland Box) Order 1984	S.I. 1984/291	The whole Order
The Sea Fishing (Enforcement of Community Measures for Spanish and Portuguese Vessels) Order 1986	S.I. 1986/110	The whole Order
The Sandeels Licensing Order 1989	S.I. 1989/1066	The whole Order
The Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1990	S.I. 1990/2052	The whole Order
The Sea Fishing (Specified Western Waters) (Restrictions on Landing) (Variation) Order 1991	S.I. 1991/2565	The whole Order
The Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2010	S.S.I. 2010/238	The whole Order
The Sea Fishing (EU Recording and Reporting Requirements) (Scotland) Amendment Order 2011	S.S.I. 2011/59	Schedule 2, paragraph 2
The Sea Fishing (EU Control Measures) (Scotland) Order 2015	S.S.I. 2015/320	Article 27

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes 8 Orders in their entirety and 2 Orders partially. All of the listed Orders or provisions relate to sea fisheries and are now spent. For example, the Sea Fishing (Restriction on Days at Sea) (Scotland) Order 2010 (“the 2010 Order”) provides for the enforcement of effort restrictions in relation to fishing in the cod recovery zone. As those effort restrictions have been revoked by Regulation (EU) 2016/2094 of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (OJ L 330, 3.12.2016, p.1), the 2010 Order is no longer required and can now be revoked.

No Business and Regulatory Impact Assessment has been prepared in relation to this Order, as no impact upon business, charities or the voluntary bodies is foreseen.

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